

# **EXHIBIT 33**

**From:** [Spencer Hosie](#)  
**To:** [Neil G. Anderson](#); [Thomas King](#); [Diane Rice](#); [Darrell Atkinson](#); [Mike Carroll](#); [Jerry Shaw](#)  
**Cc:** [Amazon/MasterObjects \[INT\]](#)  
**Subject:** Re: MasterObjects recent production / subject matter waiver  
**Date:** Wednesday, February 23, 2022 4:30:53 PM

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Dsr and I are in a hearing tomorrow. We will provide you a written response by EOD Friday.

Tom listed many documents individually in his letter. We need to review them one by one and see if indeed they bear at all on the issues in dispute. And we need to look at other documents he did not call out to make plain that there has been no selective waiver here. Note that Amz gets our opp brief on its “unclean hands” motion 3.7.

Of course, we will produce in native format the doc you flagged, or others if you do request with some reason. We redacted nothing.

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**From:** Neil G. Anderson <nanderson@hueston.com>  
**Sent:** Wednesday, February 23, 2022 5:15:07 PM  
**To:** Spencer Hosie <shosie@hosiellaw.com>; Thomas King <tking@hueston.com>; Diane Rice <drice@hosiellaw.com>; Darrell Atkinson <datkinson@hosiellaw.com>; Mike Carroll <mcarroll@hosiellaw.com>; Jerry Shaw <jshaw@hosiellaw.com>  
**Cc:** Amazon/MasterObjects [INT] <AmazonMasterObjects@hueston.com>  
**Subject:** RE: MasterObjects recent production / subject matter waiver

Hi Spencer,

Given your limited response below, it seems that the parties may be far apart regarding the proper scope of MasterObjects’ privilege waiver.

I also note that Amazon has now requested three times that MasterObjects produce the documents for which it has waived privilege in their native format. So far, MasterObjects has ignored these requests, giving no reason for not producing them as native files. If you have a legitimate reason for not producing these documents as natives, we invite you to articulate it.

I think you will agree that these two issues require prompt resolution. As such, if MasterObjects does not agree (1) to produce documents consistent with Amazon’s articulation of the scope of MasterObjects’ waiver (as expressed in Mr. King’s Feb. 21 letter), or (2) to produce the native versions of MasterObjects’ waived documents, we intend to contact the Special Master seeking prompt resolution of these issues according to the following schedule:

- **Mar. 4:** Amazon’s Opening Brief (15 pages)
- **Mar. 11:** MasterObjects’ Responsive Brief (15 pages)
- **Mar. 15:** Amazon’s Reply Brief (5 pages)
- **No later than Mar. 18:** Hearing with Special Master
- **Mar. 31:** Production of all documents (native versions) subject to MO’s waiver.

Please let us know your positions on these important issues by EOD tomorrow.

Best,

**Neil G. Anderson**

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**From:** Spencer Hosie <[shosie@hosiellaw.com](mailto:shosie@hosiellaw.com)>  
**Sent:** Tuesday, February 22, 2022 11:34 AM  
**To:** Thomas King <[tking@hueston.com](mailto:tking@hueston.com)>; Diane Rice <[drice@hosiellaw.com](mailto:drice@hosiellaw.com)>; Darrell Atkinson <[datkinson@hosiellaw.com](mailto:datkinson@hosiellaw.com)>; Mike Carroll <[mcarroll@hosiellaw.com](mailto:mcarroll@hosiellaw.com)>; Jerry Shaw <[jshaw@hosiellaw.com](mailto:jshaw@hosiellaw.com)>  
**Cc:** Amazon/MasterObjects [INT] <[AmazonMasterObjects@hueston.com](mailto:AmazonMasterObjects@hueston.com)>  
**Subject:** Re: MasterObjects recent production / subject matter waiver

We will review the docs that you have identified and revert. We do thk that some additional waiver may be appropriate, especially the pre amz pre prosecution bar emails re one hit or no cache claims even then long under way. But pls wait for a formal letter response.

Pls ask Andrew Devore to attend the live hearing. If the judge will let me, I would like to call him briefly.

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**From:** Spencer Hosie <[shosie@hosiellaw.com](mailto:shosie@hosiellaw.com)>  
**Sent:** Monday, February 21, 2022 5:36:12 PM  
**To:** Thomas King <[tking@hueston.com](mailto:tking@hueston.com)>; Diane Rice <[drice@hosiellaw.com](mailto:drice@hosiellaw.com)>; Darrell Atkinson <[datkinson@hosiellaw.com](mailto:datkinson@hosiellaw.com)>; Mike Carroll <[mcarroll@hosiellaw.com](mailto:mcarroll@hosiellaw.com)>; Jerry Shaw <[jshaw@hosiellaw.com](mailto:jshaw@hosiellaw.com)>  
**Cc:** Amazon/MasterObjects [INT] <[AmazonMasterObjects@hueston.com](mailto:AmazonMasterObjects@hueston.com)>  
**Subject:** Re: MasterObjects recent production / subject matter waiver

Sorry. On a filing, as you know, so just skimmed very quickly. Will review carefully tomorrow and revert.

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**From:** Thomas King <[tking@hueston.com](mailto:tking@hueston.com)>  
**Sent:** Monday, February 21, 2022 5:34:46 PM  
**To:** Spencer Hosie <[shosie@hosiellaw.com](mailto:shosie@hosiellaw.com)>; Diane Rice <[drice@hosiellaw.com](mailto:drice@hosiellaw.com)>; Darrell Atkinson <[datkinson@hosiellaw.com](mailto:datkinson@hosiellaw.com)>; Mike Carroll <[mcarroll@hosiellaw.com](mailto:mcarroll@hosiellaw.com)>; Jerry Shaw

<[jshaw@hosiellaw.com](mailto:jshaw@hosiellaw.com)>

**Cc:** Amazon/MasterObjects [INT] <[AmazonMasterObjects@hueston.com](mailto:AmazonMasterObjects@hueston.com)>

**Subject:** RE: MasterObjects recent production / subject matter waiver

Spencer, my letter already contains such a list, along with a description of other documents that would fall within scope.

Best,  
Tom

**Thomas King**

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**From:** Spencer Hosie <[shosie@hosiellaw.com](mailto:shosie@hosiellaw.com)>

**Sent:** Monday, February 21, 2022 4:31 PM

**To:** Thomas King <[tking@hueston.com](mailto:tking@hueston.com)>; Diane Rice <[drice@hosiellaw.com](mailto:drice@hosiellaw.com)>; Darrell Atkinson <[datkinson@hosiellaw.com](mailto:datkinson@hosiellaw.com)>; Mike Carroll <[mcarroll@hosiellaw.com](mailto:mcarroll@hosiellaw.com)>; Jerry Shaw <[jshaw@hosiellaw.com](mailto:jshaw@hosiellaw.com)>

**Cc:** Amazon/MasterObjects [INT] <[AmazonMasterObjects@hueston.com](mailto:AmazonMasterObjects@hueston.com)>

**Subject:** Re: MasterObjects recent production / subject matter waiver

Tom can you pls review our privilege log and flag those documents would be within the scope of the waiver? I cannot talk about this now, as am on a filing, but can discuss tomorrow.

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**From:** Thomas King <[tking@hueston.com](mailto:tking@hueston.com)>

**Sent:** Monday, February 21, 2022 5:22:00 PM

**To:** Spencer Hosie <[shosie@hosiellaw.com](mailto:shosie@hosiellaw.com)>; Diane Rice <[drice@hosiellaw.com](mailto:drice@hosiellaw.com)>; Darrell Atkinson <[datkinson@hosiellaw.com](mailto:datkinson@hosiellaw.com)>; Mike Carroll <[mcarroll@hosiellaw.com](mailto:mcarroll@hosiellaw.com)>; Jerry Shaw <[jshaw@hosiellaw.com](mailto:jshaw@hosiellaw.com)>

**Cc:** Amazon/MasterObjects [INT] <[AmazonMasterObjects@hueston.com](mailto:AmazonMasterObjects@hueston.com)>

**Subject:** MasterObjects recent production / subject matter waiver

Counsel,

Please see the attached.

Best regards,  
Tom

**Thomas King**

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